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Attorney for Plaintiff
ONWARD HOLDINGS, LLC

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

<p>ONWARD HOLDINGS, LLC, Plaintiff, vs. PRIME CAPITAL VENTURES, LLC; AND KRIS ROGLIERI, Defendants.</p>	<p>PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT AGAINST PRIME CAPITAL VENTURES, LLC Civil No.: 2:23-cv-00833-JAP-JCB Honorable Jill A. Parrish Magistrate Judge Jared C. Bennett</p>
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Pursuant to Fed. R. Civ. P. 55 and DUCivR 55-1, Plaintiff Onward Holdings, LLC (“**Onward**”), hereby seeks the entry of a Default Certificate with respect to Defendant Prime Capital Ventures, LLC (“**Prime**”), for failure to answer or otherwise defend this lawsuit.

On December 18, 2023, Plaintiff filed a Motion for Entry of Default, seeking the entry of a Default Certificate against both defendants. This motion was supported by the Declaration of James Harrison (the “**Harrison Declaration**”), which is also attached hereto as **Exhibit A**. Both Defendants were properly served with the Summons and Complaint. Harrison Declaration at ¶¶ 6-7. *See also* Dkt. 6-7. Also, Prime is a legal entity and thus is not in military service.

After the Motion for Entry of Default was filed, an involuntary bankruptcy petition was filed against Prime, thus invoking, for Prime, the protection of the automatic stay of the Bankruptcy Code. *See* Notice of Involuntary Petition of Bankruptcy against Defendant Prime Capital Ventures filed December 20, 2023. For that reason, a Default Certificate was entered by the Clerk of the Court only with respect to Defendant Kris Roglieri. (Later, on February 5, 2024 the Court granted Plaintiff's Motion for Default Judgment Against Kris Roglieri, and a Judgment was entered against Roglieri.)

Since the entry of the Default Certificate against Roglieri, the Prime involuntary bankruptcy proceeding has been dismissed. *See* Order Granting Motion of Petitioning Creditors to Dismiss Case entered in the Prime bankruptcy proceeding on January 9, 2024, attached hereto as **Exhibit B**. Plaintiff therefore now seeks entry of a Default Certificate against Prime.

CONCLUSION

Plaintiff is entitled to the entry, by the Clerk of Court, of a Default Certificate with respect to defendant Prime Capital Ventures, LLC. A proposed Default Certificate will be submitted herewith.

DATED: February 6, 2024

BUCHALTER, P.C.

/s/ George W. Pratt
George W. Pratt
Jack L. Darrington
Attorneys for Plaintiff Onward Holdings, LLC

CERTIFICATE OF SERVICE

On this 6th day of February 2024, I hereby certify that I electronically filed the foregoing Plaintiff's Motion for Entry of Default against Prime Capital Ventures, LLC with the Clerk of the Court using the CM/ECF system, which sent notification and service to all counsel of record.

/s/ George W. Pratt

EXHIBIT A

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

<p>ONWARD HOLDINGS, LLC, vs. PRIME CAPITAL VENTURES, LLC; and Kris Roglieri, Defendants.</p>	<p>Plaintiff,</p> <p>DECLARATION OF JAMES HARRISON IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT</p> <p>Civil No.: 2:23-cv-00833-JCB</p> <p>Magistrate Judge Jared C. Bennett</p>
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Pursuant to DUCivR 55-1(b)(1)(B), James Harrison declares as follows:

1. I am over the age of 18, and competent to testify to all matters herein.
2. I am Partner with Clark Capital Partners, of which Onward Holdings, LLC (“Onward”), is a wholly owned subsidiary.
3. I have been in regular contact with Kris Roglieri, both before and after Onward filed suit against him and Prime Capital Ventures, LLC (“Prime”).
4. Mr. Roglieri is a principal of Prime.
5. Based on my communications with Mr. Roglieri, I know that he is not an infant, in military service, or an incompetent person.

6. Prime's registered agent was served by personal service by a process server on Tuesday, November 21, 2023. (Dkt. 6)

7. Mr. Roglieri was served with by personal service by a process server on November 15, 2023. (Dkt. 7.)

8. I have communicated with Mr. Rogliari both before and after filing the complaint. We communicated about the fact that he had been served with the lawsuit. We discussed his deadlines to respond. Nevertheless, he chose not to respond to the complaint on his own behalf, or on Prime's behalf.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: December 18, 2023

/s/ James Harrison*
James Harrison
e-signed with permission

EXHIBIT B

So Ordered.

Signed this 9 day of January, 2024.



UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re

PRIME CAPITAL VENTURES, LLC,

Debtor.

A handwritten signature in black ink, appearing to read "RL".

Robert E. Littlefield, Jr.
United States Bankruptcy Judge

Chapter 7
Case No. 23-11302

**ORDER GRANTING MOTION OF PETITIONING CREDITORS TO DISMISS CASE
PURSUANT TO 11 U.S.C §§ 105 and 303(j)**

UPON the motion (the “Motion”) of Compass-Charlotte 1031, LLC, 526 Murfreesboro, LLC and Newlight Technologies Inc. (collectively, the “Petitioning Creditors”) for dismissal of the above-captioned involuntary bankruptcy case against Prime Capital Ventures, LLC (the “Alleged Debtor”) pursuant to §§ 105 and 303(j) of 11 U.S.C. § 101 *et. seq* (the “Bankruptcy Code”), and the Court’s Amended Order to Shorten Time dated January 8, 2024; and upon the appearances of counsel at the hearing before the Court on January 9, 2024 and the record thereof; and upon the consent of the Petitioning Creditors, the Alleged Debtor (subject to its reservation of right to seek a judgment against the Petitioning Creditors pursuant to 11 U.S.C. § 303(i)), the Interim Trustee and the United States Trustee, and after due deliberation by the Court, it is hereby

ORDERED, that the Motion is granted pursuant to Bankruptcy Code §§ 105 and 303(j) and the above-captioned bankruptcy case is hereby dismissed; provided, however, that the Court shall retain jurisdiction over all unresolved matters, including but not limited to:

1. An application by the Alleged Debtor pursuant to Bankruptcy Code § 303(i) for

costs, attorneys' fees and damages, including punitive damages;

2. The Alleged Debtor's application for a bond (Doc. 70);
3. The Interim Trustee's application to employ counsel (Doc. 18) together with compensation of counsel;
4. All matters pertaining to a \$5,000,000 deposit into the Alleged Debtor's KeyBank account no. xxxx2233; and
5. Bankruptcy Rule 2016(b) disclosures by the attorneys representing the Alleged Debtor in this case; and it is further

ORDERED, that the Interim Trustee is hereby discharged, and the Court's Order granting injunctive relief against the Alleged Debtor (Doc. 13) is hereby vacated; and it is further

ORDERED, that the automatic stay is hereby terminated pursuant to Bankruptcy Code § 362(c), and such termination shall be effective immediately upon entry of this Order; and it is further

ORDERED, that this dismissal is not an adjudication on the merits and is without prejudice to the rights of any parties, and all claims, rights and defenses of all parties which have been or which could have been asserted are expressly reserved.

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